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PATTY BERNE

* List of Defendants and their respective counsel listed after the caption.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATTY BERNE,
Plaintiff.

V.

SKATES ON THE BAY;
RESTAURANTS UNLIMITED,
INC. dba SKATES ON THE
BAY; CITY OF BERKELEY;
and DOES 1-10, Inclusive.

CASE NO. C10-5335 PJH
Civil Rights

**STIPULATION AND PROPOSED
ORDER TO ALLOW PLAINTIFF TO
FILE FIRST AMENDED COMPLAINT**

Defendants.

1

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CITY OF BERKELEY

20 STIPULATION

21 The parties to the above-captioned litigation hereby stipulate by and
22 through their undersigned counsel of record to the following:

23 Defendants agree to allow plaintiff to amend her Complaint to
24 include the allegation, now included in a First Amended Complaint as paragraph
25 7A (replacing the last sentence of ¶ 7 in the original complaint), that plaintiff
26 served a timely government tort claim on defendant City of Berkeley on January
27 21, 2011, regarding the incident of September 27, 2010, and that such claim was
28 deemed denied by operation of law 45 days later, on March 7, 2011. No other

1 changes are proposed. Such a First Amended Complaint is attached to this
2 Stipulation and Proposed Order as **Exhibit A**.

3 Therefore, the parties request that the Court execute the attached
4 Order allowing plaintiff to file her First Amended Complaint that is **Exhibit A** to
5 this Stipulation and Proposed Order.

6 IT IS SO STIPULATED.

7
8 Dated: July 21, 2011

LAW OFFICES OF PAUL L. REIN

10 /s/ Paul L. Rein
11 By PAUL L. REIN
12 Attorneys for Plaintiff
13 PATTY BERNE

14
15 Dated: July 26, 2011

BERKELEY CITY ATTORNEY

16 /s/ Mark J. Zembsch
17 By MARK J. ZEMBSCH
18 Attorneys for Defendant
19 CITY OF BERKELEY

20
21 Dated: July 21, 2011

BISHOP BARRY DRATH

22 /s/ Peter J. Linn
23 By PETER J. LINN
24 Attorneys for Defendant
25 CITY OF BERKELEY

26
27 Dated: July 20, 2011

JACKSON LEWIS LLP

28 /s/ Dylan Carp
29 By DYLAN CARP
30 Attorneys for Defendants
31 SKATES ON THE BAY and
32 RESTAURANTS UNLIMITED, INC. dba
33 SKATES ON THE BAY

ORDER

Pursuant to the Stipulation of the Parties it is hereby ordered that the attached First Amended Complaint (**Exhibit A**) be filed.

IT IS SO ORDERED.

Dated: July 27 , 2011



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STIPULATION AND PROPOSED ORDER TO ALLOW
PLAINTIFF TO FILE FIRST AMENDED COMPLAINT
CASE NO. C10-5335 PJH

FILER'S ATTESTATION

Pursuant to General Order 45, section X(B), I hereby attest that on July 20, 2011 my office received the concurrence of Dylan Carp in the filing of this document; on July 21, 2011 we received the concurrence of Peter J. Linn in the filing of this document; and on July 26, 2011, we received the concurrence of Mark J. Zembsch in the filing of this document.

LAW OFFICES OF PAUL L. REIN

/s/ Catherine M. Cabalo
By: Catherine M. Cabalo